

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ORACLE AMERICA, INC.,

No. C 10-03561 WHA

Plaintiff,

v.

**ORDER RE DAMAGE STUDIES**


GOOGLE INC.,

Defendant.

One issue the damage studies should address is how the jury should calculate actual damages in the event the jury finds liability for less than the period in question. Each damage study should include a formula or other method for adjusting the award.

To facilitate this, each side should advise the other and Dr. Kearl at least 35 days before its damages study is due of each liability period it intends to address before the jury, and all studies should specifically calculate damages for those alternative possibilities. The verdict in the first phase will tell us the time period, if any, for which the jury finds liability. The damage studies should be ready to go in phase two as to that specific time period, at least if it is a time period identified by counsel beforehand. Again, the studies should also include a formula or method for the jury to find damages for any time period. Counsel should please meet and propose a more specific plan to address this problem and report within **TWO WEEKS**.

Dated: October 26, 2015.

  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE